



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,633	07/31/2001	Shunpei Yamazaki	740756-2345	3382
22204	7590	01/18/2007		
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER TRAN, THIEN F	
			ART UNIT	PAPER NUMBER
			2811	
			MAIL DATE	DELIVERY MODE
			01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

09/917,633

Examiner

Thien F. Tran

Applicant(s)

YAMAZAKI ET AL.

Art Unit

2811

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 21 November 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).


b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: \_\_\_\_\_

  
**THIENTRAN**  
**PRIMARY EXAMINER**

The status of the claims are as follows:

Claims allowed: none.

Claims objected to: none.

Claims rejected: 1-4, 6, 7, 9, 10 and 12.

Claims withdrawn from consideration: none.

Applicant's argument is not convincing. Claims features are not expressly disclosed and defined anywhere in the specification. There is insufficient description of these specific features in the specification that would permit one skilled in the art to immediately envisage the product as claimed. It is noted that the claim chart is not considered as part of the disclosure. The 112, 1<sup>st</sup> paragraph rejection of claims 3, 4, 6-7 and 9 in the previous office action remains applicable and is maintained. Also, claims 1-3, 10 and 12 rejected under 102(b) as being anticipated by Oka is maintained because the claimed structure is not patentable distinguished from the prior art structure.